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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,227	08/22/2000	Omar Amanat	T30364US	8865

7590 11/15/2004

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EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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7590 06/16/2004  
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VOID

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# Office Action Summary

Application No.

09/643,227

Applicant(s)

AMANAT ET AL.

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### DETAILED ACTION

1. This Office Action is in response to the communication filed on August 22, 2000, which paper has been placed of record in the file.
2. Claims 1-42 are pending in this application.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-13, 15-19, 21-34, 36-40, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Korhammer et al (hereinafter Korhammer), U.S. Patent No. 6,278,982.

Regarding to claim 1, Korhammer discloses a method of executing orders for securities in an automated broker-dealer system, the method comprising the steps of:

receiving from a customer an order for a quantity of securities to be bought or sold, the order having an MPID optionally identifying a pre-selected market (column 10, lines 1-24; the CCS 100 receives order form a customer, the order having an MPID optionally identifying a pre-selected market, e.g. the electronic exchange NASDAQ as a pre-selected market);

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sending the order to a first default market, wherein the order is partially filled (column 8, lines 39-46; the CCS 100 sends order to more than one ECN, one of the ECN is a first default market);

sending the order to at least one pre-selected market, herein the order is partially filled (column 8, lines 39-46; the CCS 100 sends order to the electronic exchange such as the NASDAQ); and

booking the order in a second default market (column 5, line 58-column 6, line 60; e.g. if the customer wish to send the order to the ECN1, the order is booked or executed at the ECN1).

Regarding to claim 2, Korhammer discloses the order comprises: a symbol identifying securities to be bought or sold, a side indicating whether the securities are to be bought or sold, a quantity of securities to be bought or sold according the side, an MPID optionally set to a market identifier, a time-in-force optionally set to a value grater than zero, and a price optionally set to a value grater than zero (figures 8-9 and column 10, line 1-column 11, line 53).

Regarding to claim 3, Korhammer discloses the first default market and the second default market are the same market (column 5, line 58-column 6, line 60; e.g. if the customer wish to send the order to the ECN1 50, the order is booked or executed at the ECN1 5) .

Regarding to claim 4, Korhammer discloses selecting, from among a multiplicity of markets, the default markets dependent upon default market selection criteria (column 10, lines 25-30).

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Regarding to claim 5, Korhammer discloses at least one of the default markets is connected through tight coupling to the broker-dealer system (column 4, lines 23-45).

Regarding to claim 6, Korhammer discloses tight coupling comprises the capability of communications of orders and responses to orders through shared memory (column 7, lines 21-25).

Regarding to claim 7, Korhammer discloses tight coupling comprises the capability of communications of orders and responses to orders as parameters in subroutine calls (column 12, lines 1-15).

Regarding to claim 8, Korhammer discloses tight coupling comprises the capability of communications of orders and responses to orders as parameters in calls to class object interface member methods (figures 8-9).

Regarding to claim 9, Korhammer discloses tight coupling comprises the capability of communications of orders and responses to orders through directly-connected, dedicated, synchronous, parallel, extremely high speed data communications ports and data communications lines (column 3, lines 53-60; the Internet).

Regarding to claim 10, Korhammer discloses the order comprises a time-in-force, the method further comprising setting the time-in-force to indicate an IOC order before sending the order to the at least one pre-selected market (figures 8-9, items 609, "Duration"; column 10, lines 55-60).

Regarding to claim 11, Korhammer discloses sending the order to a market identified in the MPID, wherein the market identified in the MPID is selected by the

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customer before the order is received in the broker-dealer system (column 10, lines 12-30).

Regarding to claim 12, Korhammer discloses sending the order to a market selected by a smart executor (column 11, line 63-column 12, line 7; analytic engine 206).

Regarding to claim 13, Korhammer discloses sending the order to at least one pre-selected market further comprises sending the order to a market selected dependent upon a solution set from a solution server (column 11, lines 54-63; the order server 211).

Regarding to claim 15, Korhammer discloses at least one of the default markets is an ECN (figure 2, ECN1 50, ECN2 51).

Regarding to claim 16, Korhammer discloses a method of executing orders for securities in an automated broker-dealer system, the method comprising the steps of:

receiving from a customer an order for a quantity of securities to be bought or sold (column 10, lines 1-24; the CCS 100 receives order from a customer);

sending the order to at least one pre-selected market, wherein the order is partially filled (column 8, lines 39-46; the CCS 100 sends order to the pre-selected market such as the electronic exchange NASDAQ); and

booking the order in a default market (column 5, line 58-column 6, line 60; the order is booked or executed at the ECN1).

Claims 17-19, 21 have similar limitations found in claims 4, 5, 10, 15 above, therefore, are rejected by the same rationale.

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Regarding to claims 22-34, 36-40, 42, Korhammer discloses a system for executing orders for securities, the system comprising: a processor, a memory coupled to the processor (column 6, lines 51-55; the CCS 100 is carried out on one computer or a network of computers, it is inherent that a computer always contains a processor coupled to a memory such as, a CPU and a hard driver), where the processor programmed to perform the steps described in claims 1-21 above, therefore, are rejected by the same rationale.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14, 20, 35, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korhammer et al (hereinafter Korhammer), U.S. Patent No. 6,278,982.

Regarding to claims 14, 20, 35, 41, Korhammer does not disclose fees charged to customers for execution of orders are discounted for orders that are booked in the second default market. However, discounting a fee charge for customer placing an order at an ECN is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Korhammer's



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to include the feature above for the purpose of encouraging customers to place an order with a default market such as an ECN.

***Conclusion***

7. Claims **1-42** are rejected.

8. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Hambrecht et al. (US 6,629,082) disclose an auction system and method for pricing and allocation during capital formation.

May (US 6,421,653) discloses a system and method for electronic trading of financial instruments.

Minton (US 6,014,643) discloses an interactive securities trading system.

Hawkins et al. (US 6,247,000) disclose a method and system for confirmation and settlement for financial transactions matching.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

(703) 872-9326 (for formal communication intended for entry),

or

(703) 308-3691 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen



March 19, 2004